

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

ALICIA D. ELLIOTT,  
Defendant.

**4:19CR3096**

**MEMORANDUM AND ORDER**

This matter is before the Court on the request of the defendant seeking compassionate release. [Filing No. 71](#). Defendant seeks a reduction of sentence pursuant to [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#) as amended by Section 603 of the First Step Act, [Pub. L. No. 115-391](#), 132 Stat. 5194 (2018). In Section 603 of the First Step Act, Congress amended [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#) to permit defendants to move a sentencing court for compassionate release “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” Administrative exhaustion under the Act is a jurisdictional prerequisite to this Court making a decision as to compassionate relief. In the present case, the defendant has exhausted her administrative remedies with the prison system. On December 16, 2022, Warden M.D. Smith at the Carswell Federal Medical Center denied Defendant’s compassionate release request. Exhibit I, [Filing No. 72](#). Defendant contends that she has significant health issues.

The Court will appoint the Federal Public Defender’s Office to oversee this case. The Court will order the United States Probation office to prepare an investigative report, review the relevant medical records, provide the Court with any additional relevant

records not included in the filing, and conduct a review of any suggested home detention placement. The Court will likewise order the government to file its response.

**THEREFORE, IT IS ORDERED THAT:**

1. The Federal Public Defender's office, Dave Stickman, is appointed to represent the defendant and file any appropriate documents or briefs.
2. The United States Probation Office, Aaron Kurtenbach, is ordered to review the defendant's motion, suggestion for home placement, and Bureau of Prison records and file an investigative report, under restriction, within 30 days of the date of this Memorandum and Order.
3. The United States Attorney's office shall have 14 days from the date the Probation Office files its investigative order to file a responsive brief.
4. The defendant shall have 14 days from the filing of the Government's brief to file a reply brief if she so chooses.

Dated this 9th day of June, 2023.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge